

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1, 3, 5, 7-8, 10-12, 14-17, 23-24, 28-29, 31-33, and 35-36 have been amended. Claim 43 has been added. Support for all amendments and the new claim may be found throughout the specification. No new matter has been added.

The Examiner has rejected claims 1, 3-24, and 28-42 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. While the Examiner contends that, *"it is not seen how a hydroxyl [sic] compound consisting of a polyester can be formed only from a dimer fatty acid or from only a dimer fatty diol,"* Applicants point to the fact that:

the "consisting of" transitional language works to qualify the components of the hydroxy compound – not of the polyester. Specifically, the hydroxy compound is limited to a single polyester component. The polyester component itself, however, is not limited --- other than that it is formed from at least a dimer fatty acid, a dimer fatty diol, or both a dimer fatty acid and a dimer fatty diol. It is in this manner that the hydroxy compound consists of a single dimer polyester.

Accordingly, it is submitted that the claims are in full compliance with the requirements of 35 U.S.C. § 112.

Claims 1, 3-24, and 28-42 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 4,602,079 ("Vinches") in view of U.S. Patent 5,840,782 ("Limerkens"). The amendments to the claims are believed to overcome these rejections for at least the following reasons.

The claims have been amended to specify that the microcellular polyurethane foam has a density between 0.35 and 0.9 gcm<sup>-3</sup>, as well as a tensile strength greater than 30 kgcm<sup>-2</sup>, an elongation at break of greater than 200%, a tear strength greater than 1.2 kNm<sup>-1</sup>, and an impact resilience less than 45%.

The cited references fail to teach a microcellular polyurethane foam having these desired properties. Limerkens, in particular, is not directed to the forming of foams having the combination of these particular tensile strength, elongation at break, tear strength, and impact resilience properties.

For at least these reasons, the claims as amended are believed to be patentable over the cited references.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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